

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MAY CALAGUAS CANLAS

Registered Nurse License No. 462165

Respondent.

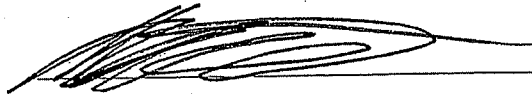
Case No. 2011-143

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 3, 2012.

IT IS SO ORDERED this July 3, 2012.



Erin Niemela
Temporary Chair
Board of Registered Nursing
Department of Consumer Affairs
State of California

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2011-143

11 **MAY CALAGUAS CANLAS**
12 **25 Dart St.**
Loma Linda, CA 92354
13 **Registered Nurse License No. 462165**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Respondent.

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16 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
17 proceeding that the following matters are true:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
20 Board of Registered Nursing. She brought this action solely in her official capacity and is
21 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
22 by Michelle McCarron, Deputy Attorney General.

23 2. May Calaguas Canlas (Respondent) is representing herself in this proceeding and has
24 chosen not to exercise her right to be represented by counsel.

25 3. On or about March 31, 1991, the Board of Registered Nursing issued Registered
26 Nurse License No. 462165 to May Calaguas Canlas. The Registered Nurse License was in full
27 force and effect at all times relevant to the charges brought in Accusation No. 2011-143 and will
28 expire on June 30, 2012, unless renewed.

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1 professional licensing agency is involved, and shall not be admissible in any other criminal or
2 civil proceeding.

3 CONTINGENCY

4 11. This stipulation shall be subject to approval by the Board of Registered Nursing.
5 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
6 Registered Nursing may communicate directly with the Board regarding this stipulation and
7 surrender, without notice to or participation by Respondent. By signing the stipulation,
8 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
9 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
10 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be
11 of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
12 between the parties, and the Board shall not be disqualified from further action by having
13 considered this matter.

14 12. The parties understand and agree that facsimile copies of this Stipulated Surrender of
15 License and Order, including facsimile signatures thereto, shall have the same force and effect as
16 the originals.

17 13. This Stipulated Surrender of License and Order is intended by the parties to be an
18 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
19 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
20 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
21 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
22 executed by an authorized representative of each of the parties.

23 14. In consideration of the foregoing admissions and stipulations, the parties agree that
24 the Board may, without further notice or formal proceeding, issue and enter the following Order:

25 ORDER

26 IT IS HEREBY ORDERED that Registered Nurse License No. 462165, issued to
27 Respondent May Calaguas Canlas, is surrendered and accepted by the Board of Registered
28 Nursing.

1 15. The surrender of Respondent's Registered Nurse License and the acceptance of the
2 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
3 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
4 license history with the Board.

5 16. Respondent shall lose all rights and privileges as a Registered Nurse in California as
6 of the effective date of the Board's Decision and Order.

7 17. Respondent shall cause to be delivered to the Board her wall license certificate and, if
8 one was issued, her pocket license on or before the effective date of the Decision and Order.

9 18. If Respondent ever files an application for licensure or a petition for reinstatement in
10 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
11 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
12 effect at the time the petition is filed, and all of the charges and allegations contained in
13 Accusation No. 2011-143 shall be deemed to be true, correct and admitted by Respondent when
14 the Board determines whether to grant or deny the petition.

15 19. Upon reinstatement of the license, Respondent shall pay to the Board costs associated
16 with its investigation and enforcement pursuant to Business and Professions Code section 125.3
17 in the amount of No Dollars and No Cents (\$0.00).

18 20. If Respondent should ever apply or reapply for a new license or certification, or
19 petition for reinstatement of a license, by any other health care licensing agency in the State of
20 California, all of the charges and allegations contained in Accusation, No. 2011-143 shall be
21 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
22 Issues or any other proceeding seeking to deny or restrict licensure.

23 21. Respondent shall not apply for licensure or petition for reinstatement for one (1) years
24 from the effective date of the Board of Registered Nursing's Decision and Order.

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May C. Carter

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Exhibit A

Accusation No. 2011-143

1 EDMUND G. BROWN JR.
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2 MARC D. GREENBAUM
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BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
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10 In the Matter of the Accusation Against:

Case No. 2011-143

11 **MAY CALAGUAS CANLAS**
12 **25 Dart St.**
13 **Loma Linda, CA 92354**
Registered Nurse License No. 462165

A C C U S A T I O N

14 Respondent.

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16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about March 31, 1991, the Board of Registered Nursing issued Registered
22 Nurse License Number 462165 to May Calaguas Canlas (Respondent). The Registered Nurse
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on June 30, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2750 of the Code provides in part, that the Board may discipline any licensee,
2 including a licensee holding a temporary or an inactive license, for any reason provided in Article
3 3 (commencing with section 2750) of the Nursing Practice Act.

4 5. Section 2764 of the Code provides in part, that the expiration of a license shall not
5 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
6 to render a decision imposing discipline on the license.

7 STATUTORY PROVISIONS

8 6. Business and Professions Code section 820 states:

9 "Whenever it appears that any person holding a license, certificate or permit under this
10 division or under any initiative act referred to in this division may be unable to practice his or her
11 profession safely because the licentiate's ability to practice is impaired due to mental illness, or
12 physical illness affecting competency, the licensing agency may order the licentiate to be
13 examined by one or more physicians and surgeons or psychologists designated by the agency.
14 The report of the examiners shall be made available to the licentiate and may be received as direct
15 evidence in proceedings conducted pursuant to Section 822."

16 7. Business and Professions Code section 821 states:

17 "The licentiate's failure to comply with an order issued under Section 820 shall constitute
18 grounds for the suspension or revocation of the licentiate's certificate or license."

19 8. Business and Professions Code section 822 states:

20 "If a licensing agency determines that its licentiate's ability to practice his or her profession
21 safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the
22 licensing agency may take action by any one of the following methods:

23 "(a) Revoking the licentiate's certificate or license.

24 "(b) Suspending the licentiate's right to practice.

25 "(c) Placing licentiate on probation.

26 "(d) Taking such other action in relation to the licentiate as the licensing agency in its
27 discretion deems proper.

1 "The licensing agency shall not reinstate a revoked or suspended certificate or license until
2 it has received competent evidence of the absence or control of the condition which caused its
3 action and until it is satisfied that with due regard for the public health and safety the person's
4 right to practice his or her profession may be safely reinstated."

5 9. Section 2761 of the Code states in part:

6 "The board may take disciplinary action against a certified or licensed nurse or deny an
7 application for a certificate or license for any of the following:

8 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

9 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
10 functions."

11 REGULATORY PROVISIONS

12 10. California Code of Regulations, title 16, section 1442, states:

13 "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from
14 the standard of care which, under similar circumstances, would have ordinarily been exercised by
15 a competent registered nurse. Such an extreme departure means the repeated failure to provide
16 nursing care as required or failure to provide care or to exercise ordinary precaution in a single
17 situation which the nurse knew, or should have known, could have jeopardized the client's health
18 or life."

19 COST RECOVERY

20 11. Section 125.3 of the Code provides in part, that the Board may request the
21 administrative law judge to direct a licensee found to have committed a violation or violations of
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
23 enforcement of the case.

24 FIRST CAUSE FOR DISCIPLINE

25 (Gross Negligence)

26 12. Respondent is subject to disciplinary action pursuant to Code section 2761
27 subdivision (a)(1), in conjunction with California Code of Regulations section 1142, on the
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1 grounds of unprofessional conduct, for gross negligence, stemming from an incident in which
2 Respondent abandoned a patient in her care. The circumstances are as follows:

3 a. Respondent was employed as a nurse in the Neonatal Intensive Care Unit (NICU) at
4 White Memorial Medical Center, in Los Angeles, California. On or about March 2, 2007, while
5 on duty in the NICU, Respondent had a critical infant patient in her care that required a nurse at
6 all times. Respondent left her critical infant patient in the care of a respiratory therapist, so she
7 could go on a thirty minute break with a co-worker.

8 b. Respondent acknowledged that only a nurse can relieve another nurse on duty in the
9 NICU. Despite knowing this rule and having a critical infant in her care, Respondent decided to
10 leave her infant patient. On or about March 16, 2007, Respondent was terminated from White
11 Memorial for patient abandonment.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct)**

14 13. Respondent is subject to disciplinary action pursuant to Code section 2761,
15 subdivision (a), in that Respondent engaged in unprofessional conduct, when she abandoned her
16 critical infant patient, so she could go on a break. Complainant's allegations, as set forth in
17 paragraph 12, subparagraphs (a) and (b), are incorporated by reference as though fully set forth.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Unfit To Practice as a Nurse)**

20 14. Respondent is subject to disciplinary action pursuant to Code sections 820 and 822, in
21 that it has been determined that Respondent's ability to practice as a registered nurse safely is
22 impaired because Respondent is physically ill affecting her competency as a nurse. The
23 circumstances are as follows:

24 *MM 3/21/2012 A BOARD designated psychiatrist*
25 ~~Respondent's primary care physician~~ *ONLY.* has determined that Respondent cannot perform
26 the duties and functions of a nurse due to her physical condition. Respondent has advanced
diabetes, which has caused her to lose sight in one eye and has substantially limited her mobility.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Board's § 820 Petition)**

3 15. Respondent is subject to disciplinary action pursuant to Code sections 820 and 821, in
4 that Respondent failed to comply with the Board's petition to compel a mental examination of the
5 Respondent to determine Respondent's ability to practice as a registered nurse. The
6 circumstances are as follows:

7 a. On or about August 18, 2011, the Board of Registered Nursing filed a Petition to
8 Compel a Mental and Physical Examination of the Respondent, for the purpose of determining if
9 Respondent can safely practice as a nurse. Respondent failed to participate and complete the
10 ~~Physical~~ her primary care physician ~~Mental Examination, with a physician designated by the Board.~~ Respondent was given ample
11 time to complete this portion of the Petition and to date has not complied with the Board's order.

12
13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse License Number 462165, issued to May
17 Calaguas Canlas;

18 2. Ordering May Calaguas Canlas to pay the Board of Registered Nursing the
19 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
20 125.3; and

21 3. Taking such other and further action as deemed necessary and proper.

22
23
24 DATED: September 2, 2011

25 *Louise R. Bailey*
26 LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant
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